

COPY

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

T01-0015

STIPULATED AGREEMENT

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission, hereinafter referred to as the "Commission", The Burlington Northern and Santa Fe Railway Company, hereinafter referred to as the "Company", the County of Warren, hereinafter referred to as the "County", and the State of Illinois, Department of Transportation, hereinafter referred to as the "Department".

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through Staff investigation that inquiry should be made into the matter of improving public safety at the crossing of the Company's tracks with a public highway known as FAS-1408 (CH-17) located near Monmouth, Warren County, Illinois, designated as crossing DOT 004 699D, milepost 191.73-M; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossing by a staff member of the Commission's Transportation Division, Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and all other pertinent data relating to the crossing have been obtained and shown on Exhibit A, attached to the agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the statewide traveling public the Grade Crossing Protection Fund of the Motor Fuel Tax Law be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and Orders and procedures in general.

Section 2 The Commission, the Department and the County are of the opinion that the proper improvements in the interest of public safety at the aforesaid crossing should be:

- a) the Company should replace the existing antiquated automatic warning devices with new automatic flashing light signals and gates, and constant warning time control circuitry;
- b) the Company should raise the North Main track level with the South Main track and provide proper approach runoff, all in accordance with 92 Illinois Administrative Code 1535;

Section 3 The Company has prepared a preliminary estimate of cost which is attached as Exhibit B, to accomplish the proposed improvements which it may be required to perform; The Company shall upon Order, according to the requirements contained therein, prepare detailed drawings, detailed circuit plans, estimates of cost, and any required specifications for the proposed improvements for the approval of the Commission and Department.

Section 4 The Company shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the submission of plans should be one hundred twenty (120) days, for the submission of progress reports should be six (6) months and for the completion of the proposed improvements should be twelve (12) months, from the date of Commission Order subsequent to this agreement.

Section 5 The parties hereto agree that an equitable division of cost for the proposed improvements should be:

- a) the cost to install new flashing light signals and gates, and constant warning time control circuitry, estimated at \$242,763, should be allocated 50% to the Fund, not to exceed \$121,381, with the Company bearing any remaining cost after payment from the Fund, as well as all future operation and maintenance cost thereof;
- b) the cost to perform the track raise outlined in Section 2 (b) hereinabove should be allocated 100% to the Company, as well as all future maintenance cost thereof;

Section 6 Special Provisions: The Company shall file a written report with the Director of Processing and Information, transportation Division of the Commission within fifteen (15) days of the conclusion of each calendar quarter, stating the status of expenditures of its portion of the project and the percentage of completion of the project; if the project is behind schedule the report must include a brief explanation of the reason(s)

for the delay.

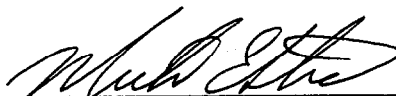
All bills for expenditures authorized to be reimbursed from the Grade Crossing Protection Fund shall be submitted to Mr. Henry Cronister, Bureau of Local Roads and Streets, Main Office, Illinois Department of Transportation at 2300 South Dirksen Parkway, Room 205, Springfield, Illinois, 62764. The Department shall send a copy of each bill received to the Director of Processing and Information, Transportation Division of the Commission. The final bill for expenditures shall be clearly marked "Final Bill". All bills shall be submitted to the Department and Commission no later than twenty four (24) months from the date of Commission Order subsequent to this agreement. Authorization for reimbursement from the Grade Crossing Protection Fund shall expire twelve (12) months after the completion date specified in the Order. The Department shall, at the end of the 24th month from the Commission's Order date, de-obligate all residual funds accountable for installation costs for this project.

The Company shall within ninety (90) days of the date of Commission's Order subsequent to this Agreement, submit to the Director of Processing and Information, Transportation Division of the Commission, the name, title, mailing address, phone number and facsimile number of a project manager.

Commission Order T99-0108 required the COMPANY to install remote monitoring equipment at all signalized public highway/rail grade crossings in Illinois. If the remote monitors have been installed at the FAS-1408 (CH-17) crossing, prior to execution of this agreement, the COMPANY shall reuse the same equipment as part of the work described hereinabove. If the remote monitors have not been installed at the FAS-1408 (CH-17) crossing, prior to execution of this agreement, the COMPANY shall do so as part of the work described hereinabove, with the installation cost divided between the COMPANY and the Grade Crossing Protection Fund per the terms set forth in Order T99-0108.

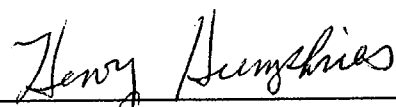
In Witness Whereof, the parties have caused this agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this 12th day of July, 2000.



Michael E. Stead
Railroad Safety Program Administrator

Attest:



Henry Humphries,
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 940 concerning improvements at the crossing of The Burlington Northern and Santa Fe Railway Company's tracks with a public highway known as FAS-1408 (CH-17) located near Monmouth, Warren County, Illinois, designated as crossing DOT 004 699D, milepost 191.73-M.

Executed by the County this 17 day of July 2000.

WARREN COUNTY

By:

Frank Vidoni
County Engineer

Attest:

Peggy S. Shimmon

Illinois Commerce Commission Stipulated Agreement No. 940 concerning improvements at the crossing of The Burlington Northern and Santa Fe Railway Company's tracks with a public highway known as FAS-1408 (CH-17) located near Monmouth, Warren County, Illinois, designated as crossing DOT 004 699D, milepost 191.73-M.

Executed by the Company this 31st day of July 2000.

THE BURLINGTON NORTHERN AND
SANTA FE RAILWAY COMPANY

APPROVED AS TO FORM 7/28/00
Wesley
Burlington Northern Santa Fe Law Department

By:

Cheryl Marks

Attest:

Wesley Pruitt

Illinois Commerce Commission Stipulated Agreement No. 940 concerning improvements at the crossing of The Burlington Northern and Santa Fe Railway Company's tracks with a public highway known as FAS-1408 (CH-17) located near Monmouth, Warren County, Illinois, designated as crossing DOT 004 699D, milepost 191.73-M.

Executed by the Department this 5th day of February 2000. |

STATE OF ILLINOIS

DEPARTMENT OF TRANSPORTATION

By:

James C. Shifer
Director of Highways *dm*

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT SURVEY FORM

RR/Line BNSF Milepost 191.73-M Inventory # 004 699D
City (N) Monmouth Street FAS 1408 County Warren
Jurisdiction County Urban Rural X Commercial Residential
Street Surface Oil/Chip Width 20' Condition Fair
Angle 60° Tracks Tangent Yes Degree of Curve -- Superelevation --
Depth of Cut ----- Height of Fill -----

Crossing Surface

| Track Centers | Elevation | Track | Type | Width | Condition |
|------------------|---------------|---------------|------------|------------|-------------|
| | | <u>N Main</u> | <u>FDT</u> | <u>40'</u> | <u>Fair</u> |
| <u>16'-0"</u> | <u>S Main</u> | | | | |
| | <u>higher</u> | <u>S Main</u> | <u>FDT</u> | <u>40'</u> | <u>Fair</u> |
| | <u>than N</u> | | | | |
| | <u>Main</u> | | | | |
| | | | | | |
| | | | | | |

Intersecting Roads 100' Pvt. 200' Pvt.

Traffic Control Devices Present None

ADT 600 Speed unposted (55mph) Statewide Yes

Schoolbuses Poss. Hazardous Materials Poss. Other -----

Rail Traffic: Ft. 53 @ 55 mph Pass. 2 @ 65 mph Switch Yes

Simultaneous Movements Yes Daylight and Dark Yes

Present Protection AFLS/Gates

Advance Warning Signs Yes Pavement Marking No

Visibility Study

| Quad | Clearing Visibility | Obstruction | Stopping Visibility | Obstruction |
|------|------------------------|-------------|------------------------|-------------|
| NE | N/A | | N/A | |
| NW | N/A | | N/A | |
| SE | N/A | | N/A | |
| SW | N/A | | N/A | |

Approach Grades

| | | | | | | | | | | | | |
|-------|--------------|---|-----------|---|-------------|---|-------------|---|-------------|---|-------------|---|
| North | <u>Meets</u> | ' | <u>92</u> | % | <u>Ill.</u> | ' | <u>Adm.</u> | % | <u>Code</u> | ' | <u>1535</u> | % |
| South | <u>"</u> | ' | <u>"</u> | % | <u>"</u> | ' | <u>"</u> | % | <u>"</u> | ' | <u>"</u> | % |

Comments: _____

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.



Sketch of Crossing

P. U. T.

(ORmonde)

FAS-1408

BNSF

Grain Elev.

P. U. T.

(CH-17)

| |
|--------|
| SCALE: |
| NONE |

***** NOTE **** NOTE ***** FOR INTERNAL USE ONLY ***** NOTE **** NOTE *****

| | | | | | |
|------------------|------------------------|---------------|---------------------|------------------|------------|
| LOCATION | : ORMONDE | LINE SEGMENT | : 7000 | AFE NUMBER | : |
| PLANITEM NUMBER | : PS1004699D | MILEPOST | : 0191.73 | RFA NUMBER | : |
| PROPERTY OF | : BNSF RAILWAY COMPANY | DIVISION | : IL | CPAR NUMBER | : |
| OPERATED BY | : BNSF RAILWAY COMPANY | SUBDIVISION | : CHILlicothe | BUDGET YEAR | : 2000 |
| JOINT FACILITY | : STATE OF ILLINOIS | TRACK TYPE | : 2 | BUDGET CLASS | : 10 |
| % BILLABLE (+/-) | : 100.00 | TAX STATE | : IL COUNTY: WARREN | REPORTING OFFICE | : 456 |
| REQUESTER ID | : A326 - R D BENNETT | MATL DATE | : | SPONSOR | : VP ENGIN |
| PROJECT TYPE | : SGX | LOCATION CODE | : 381010 | DEPT CODE | : MOWGH |

PURPOSE, JUSTIFICATION AND DESCRIPTION

CHANGES AT FAS-1408, MONMOUTH, IL. DOT 004-709G WITH NEW BUNGALOWS (2), CONSTANT WARNINGS (3), BATTERIES, CHARGERS, RELAYS, CABLE, TERMINATIONS, HIGH WIND GUARDS, ETC.

THE ATTACHED MATERIAL LIST REFLECTS TYPICAL, REPRESENTATIVE PACKAGES USED FOR ESTIMATING PURPOSE.

THEY CAN BE EXPECTED TO CHANGE AFTER ENGINEERING PROCESS, DETAIL AND ACCURATE MATERIAL LIST WILL BE FURNISHED WHEN ENGINEERING IS COMPLETED.

CONTINUING CONTRACTS HAVE BEEN ESTABLISHED FOR PORTIONS OF SIGNAL WORK ON THE BNSF RAILROAD.

THIS ESTIMATE GOOD FOR 90 DAYS, THEREAFTER THE ESTIMATE IS SUBJECT TO CHANGE DUE TO COST FOR MATERIAL, LABOR, AND OVERHEADS.

***** SIGNAL WORK ONLY *****

THE STATE OF ILLINOIS TO PAY 100%.

***** NOTE **** NOTE ***** FOR INTERNAL USE ONLY ***** NOTE **** NOTE *****

| | CASH CAPITAL | NONCASH CAPITAL | OPERATING EXP | REMOVAL COST | BILLABLE | TOTALS |
|----------------|--------------|-----------------|---------------|--------------|----------|---------|
| LABOR COSTS | 0 | 0 | 0 | 0 | 86,145 | 86,145 |
| MATERIAL COSTS | 0 | 0 | 0 | 0 | 123,151 | 123,151 |
| OTHER COSTS | 0 | 0 | 0 | 0 | 33,467 | 33,467 |
| TOTALS | 0 | 0 | 0 | 0 | 242,763 | 242,763 |

ENGINEERING SERVICES - KANSAS CITY
ESTIMATE REF. NUMBER : PS1004699D - 1--25
COSTING DATE : 03/14/2000

PRINTED ON : 03/14/2000
ESTIMATED BY : NEUMANN
PRINTED BY : NEUMANN

| ACCT | CST | RSM | PPE | DESCRIPTION | QTY/ST | OT | U/M | CASH | NONCASH | OPER | REMOVAL |
|--------------------------|-----|-----|------|---|---------|-----|-----|---------|---------|------|---------|
| B | | | | 400 9911 SIGNAL FIELD LABOR | 1120.00 | 0.0 | MH | 24,567 | | | |
| * LABOR SUBTOTAL | | | | | | | | 24,567 | 0 | 0 | 0 |
| 1120 | 319 | 400 | 9911 | BATTERY & CHARGERS | 1.0 | | EA | 8,206 | | | |
| 1120 | 319 | 400 | 9911 | BUNGALOW 6X6 PER SKR101 | 2.0 | | EA | 10,364 | | | |
| 1120 | 319 | 400 | 9911 | BUNGALOW MATERIAL | 2.0 | | EA | 11,926 | | | |
| 1120 | 319 | 400 | 9911 | CABLE | 1.0 | | LS | 5,588 | | | |
| 1120 | 319 | 400 | 9911 | FIELD MATERIAL | 1.0 | | EA | 2,867 | | | |
| 1120 | 319 | 400 | 9911 | HIGH WIND GUARDS | 2.0 | | EA | 200 | | | |
| 1120 | 319 | 400 | 9911 | HXP-PND3R2 W/RSI & RMM | 3.0 | | EA | 59,925 | | | |
| 1120 | 319 | 400 | 9911 | MISC. MATERIAL | 1.0 | | EA | 2,000 | | | |
| 1120 | 319 | 400 | 9911 | TERMINATIONS, FSS-2A | 8.0 | | EA | 4,400 | | | |
| 1120 | 319 | 400 | 9911 | TRACK WIRE | 1.0 | | LS | 1,700 | | | |
| 1120 | 319 | 400 | 9911 | VIGILANT RECORDER | 1.0 | | EA | 1,660 | | | |
| * MATERIAL SUBTOTAL | | | | | | | | 108,836 | 0 | 0 | 0 |
| 1120 | 367 | 400 | 9911 | CONTRACT ENGR. | 1.0 | | EA | 8,000 | | | |
| 1120 | 790 | 400 | 9911 | DIRECT SMIPPING | 1.0 | | LS | 2,300 | | | |
| * OTHER SUBTOTAL | | | | | | | | 10,300 | 0 | 0 | 0 |
| * ADDITIVES | | | | | | | | 15,179 | | | |
| | | | | PAYROLL ASSOCIATED COSTS | | | | 4,471 | | | |
| | | | | EQUIPMENT EXPENSES | | | | 16,683 | | | |
| | | | | SUPERVISION EXPENSES | | | | 9,100 | | | |
| | | | | PERDIEM | | | | 3,685 | | | |
| | | | | INSURANCE EXPENSES | | | | 2,682 | | | |
| | | | | STORE EXPENSES | | | | 6,963 | | | |
| | | | | USE TAX | | | | 1,367 | | | |
| | | | | OFFLINE TRANSPORTATION | | | | | | | |
| * GANG TOTAL | | | | | | | | 203,833 | 0 | 0 | 0 |
| B | | | | 400 9911 SIGNAL SHOP LABOR | 128.00 | 0.0 | MH | 2,528 | | | |
| * LABOR SUBTOTAL | | | | | | | | 2,528 | 0 | 0 | 0 |
| * ADDITIVES | | | | | | | | 1,562 | | | |
| | | | | PAYROLL ASSOCIATED COSTS | | | | 460 | | | |
| | | | | EQUIPMENT EXPENSES | | | | 1,716 | | | |
| | | | | SUPERVISION EXPENSES | | | | 379 | | | |
| | | | | INSURANCE EXPENSES | | | | | | | |
| * GANG TOTAL | | | | | | | | 6,645 | 0 | 0 | 0 |
| B | | | | 411 9911 ELECTRICAL LABOR F/POWER TRANS SYS | 108.00 | 0.0 | MH | 2,213 | | | |
| * LABOR SUBTOTAL | | | | | | | | 2,213 | 0 | 0 | 0 |
| 1120 | 319 | 410 | | MATERIAL FOR ELECTRICAL | 2.0 | | EA | 3,000 | | | |
| * MATERIAL SUBTOTAL | | | | | | | | 3,000 | 0 | 0 | 0 |
| * ADDITIVES | | | | | | | | 1,367 | | | |
| | | | | PAYROLL ASSOCIATED COSTS | | | | 402 | | | |
| | | | | EQUIPMENT EXPENSES | | | | 1,502 | | | |
| | | | | SUPERVISION EXPENSES | | | | 331 | | | |
| | | | | INSURANCE EXPENSES | | | | 74 | | | |
| | | | | STORE EXPENSES | | | | 192 | | | |
| | | | | USE TAX | | | | 37 | | | |
| | | | | OFFLINE TRANSPORTATION | | | | | | | |
| * GANG TOTAL | | | | | | | | 9,118 | 0 | 0 | 0 |
| PROJECT SUBTOTAL | | | | | | | | 219,596 | 0 | 0 | 0 |
| CONTINGENCIES | | | | | | | | 21,959 | 0 | 0 | 0 |
| BILL PREPARATION FEE | | | | | | | | 1,200 | 0 | 0 | 0 |
| PROJECT GROSS COST | | | | | | | | 242,763 | 0 | 0 | 0 |
| LESS COST PAID BY OTHERS | | | | | | | | 242,763 | 0 | 0 | 0 |